
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Substitute for Original House Concurrent Resolution No. 4 by Representative Landry as proposed by the House Committee on Natural Resources and Environment

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend the Louisiana Department of Environmental Quality rule LAC 33:III:525(A)(1) and 531(A)(2)(introductory paragraph) and (c), which provides for public notice by the permitting authority for certain minor source facilities; to provide for public notice requirements by the permitting authority for certain minor source facilities; to direct the office of the state register to print the amendments in the Louisiana Administrative Code; and to provide for related matters.

WHEREAS, public participation is a vital and guiding principle of democratic governance, based on the belief that everyone who is affected by a decision has a right to be involved in the decision-making process; and

WHEREAS, the interests of economic development and air quality are matters of vital concern to the welfare of the people of the state; and

WHEREAS, it is necessary in this day and age to provide for commercial and industrial opportunities while maintaining an environment that promotes the health and welfare of the citizens of the state; and

WHEREAS, the Department of Environmental Quality (DEQ) has a system in place to keep the public informed of environmental pollution by providing public notice of permit applications for facilities that are major sources of air pollution; and

WHEREAS, DEQ enables the public to have meaningful input into major source permit decisions through a public comment period that immediately follows each public notice; and

WHEREAS, facilities classified as minor sources of air pollution can benefit the public welfare by providing job opportunities and tax revenue; and

WHEREAS, facilities classified as minor sources of air pollution can threaten the public welfare by emitting harmful pollutants, presenting risks from fires or other emergency situations, and decreasing nearby residential property values; and

WHEREAS, a small difference in the amount of air pollution released by a facility, as little as one percent, can make the difference between a major source or minor source designation; and

WHEREAS, requiring the DEQ to provide public notice for non-exempt minor source facilities, as well as major source facilities, will fill an existing gap in democratic governance by providing members of the public an opportunity to have meaningful input into all permitting decisions that may impact their economic opportunities, health, and well being.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 33:III:525(A)(1) and 531(A)(2)(introductory paragraph) and (c) are hereby amended to read as follows:

§525. Minor Modifications

A. Minor Modification Criteria

1. For any source which is not a Part 70 source or for any application for a state-only change at a Part 70 source, minor modification procedures may be utilized ~~for any change which does not require public notice.~~

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§531. Public Notice and Affected State Notice

A. Public Notice

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2. ~~For applications pertaining to a Part 70 source, public~~ Public notice shall be published by the permitting authority prior to the issuance of any permit which is:

* * *

c. a permit revision to incorporate a significant modification as defined pursuant to LAC 33:III.527 or a minor modification as defined pursuant to LAC 33:III.525.

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BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the office of the state register.

BE IT FURTHER RESOLVED that the office of the state register is hereby directed to have the amendments to LAC 33:III:525(A)(1) and 531(A)(2)(introductory paragraph) and (c) printed and incorporated into the Louisiana Administrative Code.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR Draft

2021 Regular Session

Abstract: Requires the Dept. of Environmental Quality (DEQ) to provide public notice for any permit or permit modification for all source facilities not otherwise exempt.

Present LAC (33:III.525) provides for the criteria and procedures for minor modifications.

Present LAC (33:III.525(A)(1)) provides that minor modification procedures may be utilized by any source which is not a Part 70 source for any change that does not require public notice.

Proposed LAC (33:III.525(A)(1)) retains present LAC in part and removes the provision that any change not require public notice in order to utilize minor modification procedures.

Present LAC (33:III.531) provides for requirements for public notice to be provided by the permitting authority (DEQ) for permitting stationary source facilities.

Present LAC (33:III.531(A)(2)(introductory paragraph)) provides for requirements for public notice to be provided by the permitting authority (DEQ) for permit applications and modifications for Part 70 source facilities.

Proposed LAC (33:III.531(A)(2)(introductory paragraph) and (c)) changes requirement for public notice to be provided by the permitting authority for permit applications and modifications from applying strictly to Part 70 source facilities to including all source facilities not otherwise exempt.

Directs the La. Register to print the amendment to LAC 33:III.525(A)(1) and 531(A)(2)(introductory paragraph) and (c) in the La. Administrative Code.

(Amends LAC 33:III.525(A)(1) and 531(A)(2)(intro. para.) and (c))